

REMARKS

A non-final office action dated September 29, 2004 was issued. Applicants previously requested a three months extension of time in which to respond, thereby extending the deadline for response to March 29, 2004,

Applicants have amended the claims in response to the non-final action. Reconsideration is respectfully requested

Applicants have added claims 112-116. Claim 112 includes the limitation that the pliers are operable with the pivotable sleeve and tool bit member in both the inoperable and operable positions. The prior art does not disclose this further limitation. Beran is facially unrelated to pliers and to providing immediate ready alternate tool bit and pliers use. Harrison teaches away from this further limitation. The Harrison pliers are inoperable with the tool bit in the operable position. The Harrison tool bit is inoperable with the pliers in the operable position. The Harrison sleeve is separably stowable in a pouch, when the pliers is operable. Insofar as Beran is unrelated to these features of claim 112 and Harrison, in several respects, teaches away from those features, claim 112 is manifestly allowable.

Claims 113-116 have been added to define further features not disclosed in Beran and Harrison. Beran is unrelated to different length handles. Harrison teaches away from different length handles (claims 113-

116), Beran is unrelated to different sectional configurations in different handles. Harrison teaches equally sized and configured handles and away from different sectional configurations (claim 115). Beran is unrelated to locking pliers jaws. Harrison teaches locked pliers jaws in the tool bit operable position only, and pliers jaws unlocked in the tool bit inoperably position (claim 116).

Reconsideration is respectfully requested. The rejection of record, on analysis, rests on a several step hindsight reconstruction.

First, the Beran cutting edge sleeve is substituted not, as apparently alleged, for the Harrison sleeve, but rather for the Harrison fixedly pivotably connected tool bit. The Beran sleeve does not replace the Harrison sleeve, as apparently alleged, but instead replaces the Harrison tool bit. It is only through hindsight viewing that one "sees" a removable tool bit in a fixedly pivotable sleeve in a pliers handle.

Second, the Beran sleeve is reconstructed from a downward bearing surface cutting edge sleeve to a rotational torque-transmitting sleeve.

Third, the Harrison pouch-stowed tool bits are, not stowable in the sleeve in the tool handle. There is no suggestion to eliminate the tool bit pouch.

Fourth, the limitations directed to (e.g. claims 112-116) sleeve disposition and operably with respect to the pliers jaws and handles disposition and operably are not found in Beran, Harrison, Dahlquist or

Esquire. These several novel dispositions and operably features require yet further reconstruction.

These several reconstructions speak volumes to the measure of hindsight required to frame the Section 103 rejection.

Applicants submit that the claims as amended are allowable. An early indication of allowable subject matter is respectfully requested.

Respectfully submitted,

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